

Dredge Management Task Force Meeting Minutes - May 10, 2006 DES Pease Office

The meeting was held on Wednesday May 10, 2006 from 1:30 PM to 3:00 PM at DES Office, 50 International Drive, Pease Tradeport.

Announcements/Introductions – Chairman Chris Williams asked members to introduce themselves.

Attending members:

Steve Bird, City of Dover
Liz Chamberlain, Senator Sununu
Olga Guza, EPA
Mark Habel, ACOE
Michael Johnson, NOAA
Periklis Karoutas, Congressman Bradley
Frank Richardson, NH DES, Wetlands
Rich Roach, ACOE
Michael Walsh, ACOE

Staff:

Ted Diers, Manager, NH Coastal Program/DES
Mary Power, NH Coastal Program/DES
Chris Williams, Chairman, NH Coastal Program/DES

Review of Minutes – To ensure that meeting minutes are posted on the Coastal Program web site in a timely manor, the Chairman informed members that a draft version of the minutes from each meeting would now be emailed to them for review/comment within a couple of weeks following each meeting. Members will then be given approximately one week to provide comments before the final version of the minutes is posted on the Coastal Program web site.

Legislative Update - Chairman asked if there were any comments from the Congressional staff members. They had no comment. ACOE (Mark Habel) stated that the majority of the legislative issues discussed at the last meeting were still in the works.

Portsmouth Water Main Replacement Mitigation - Status of eelgrass-friendly mooring installation - ACOE (Rich Roach) said there is a verbal agreement between the City of Portsmouth and the PDA- Division of Ports and Harbors (DPH) to work out the details of getting six eelgrass friendly moorings installed. Roach referred to emails from Dr. Fred Short of UNH stating he had sent an aerial photo to the DPH that identified the location of eelgrass in Little Harbor. The City of Portsmouth has apparently expressed a willingness to spend approximately \$18K for the hardware for the moorings but the DPH has had difficulty contacting the distributor and is apparently considering other alternatives. It is the responsibility of the Harbor Master to instruct the mooring owners to use the new gear. The next step will be for the ACOE to send a letter to the City of Portsmouth regarding the status of the mooring installation. Discussion followed to include a listing of the types of eelgrass-friendly moorings.

NOAA (Mike Johnson) said that the City has until the end of May 2006 to install the moorings to avoid being in violation of the ACOE permit. ACOE (Roach) stated that the permit is actually a letter of permission (LOP) with conditions, however, if the City of Portsmouth fails to abide by the conditions of the LOP, the ACOE has enforcement authority, as does the state. DES Wetlands (Frank Richardson) said the moorings are in place so it is a matter of changing them out to the prescribed type. Discussion followed regarding mechanics of changing gear after the boating season is in full swing. ACOE (Roach) reminded members that the moorings are private property and the owners have to be agreeable to the change. However, the owners can be forced to remove the old gear. Chairman reiterated that a letter from the ACOE needs to be sent to the City. ACOE (Roach) agreed to send a letter to the City of Portsmouth.

The NH Coastal Program received written comments regarding the Portsmouth water main replacement mitigation from Tracy Shattuck, DPH Harbormaster on May 22, 2006. The following summarizes those comments:

- DPH has not yet received the eelgrass data from Dr Short. Tracy has contacted Dr. Short and requested the data on disc.
 - Although Rich Roach has stated that it is the responsibility of the harbormaster to instruct the mooring owners to use the new gear that is not exactly what DPH agreed to do. DPH agreed to facilitate and assist in the process, which it is doing. The DPH will not, however, force mooring owners to install the eelgrass-friendly moorings. The DPH intends to enlist willing volunteers. The City of Portsmouth has been a willing participant in this process, however, the problem has been in getting quotes and gathering the data/information.
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Cocheco River Dredge Update - ACOE (Mike Walsh) stated that the plans and specifications are nearly complete. ACOE has issued a Request for Proposals for a Small Business Administration (8A) contractor. The 8A contract process allows the ACOE to negotiate directly with the contractor and forgo the bidding process. The ACOE hopes to award the contract soon. He said the ACOE's current budget for the project is \$1.8 million. He stated that this amount would allow dredging to take place to the lower narrows. ACOE (Walsh) said that if draw down of the Cocheco Falls dam by NH Fish & Game occurs this fall, as anticipated, the ACOE hopes to be able to begin work around November 1, 2006. Chairman stated there would be discussion in the fall of 2006 about extending the dredging window. City of Dover (Steve Bird) asked at what point the ACOE would need to know if there will be additional funding in order to amend the current (assumed awarded) contract. ACOE (Walsh) said he needs to know by mid-January 2007. Senator Sununu representative (Liz Chamberlain) said that in last year's Energy and Water Conference Report, the conferees put in specific language about ACOE earmarks. She understands that there will not be a problem with the \$1.8 million being rolled over into this budget. There is also \$695K outstanding from old earmarks that the ACOE reprogrammed because the earmarks were put in before the project was ready to begin. The Congressional delegation is taking the position that the \$695K was appropriated by Congress and earmarked for the Cocheco and, therefore, should be spent on the Cocheco project. The Delegation is awaiting a letter from the ACOE regarding the availability of the \$695K before they elevate this issue to a higher level. Discussion followed.

EPA (Olga Guza) stated that the Cocheco project is a good example of how planning for dredging projects should be approached on a regional scale.

Sagamore Creek Update - Eelgrass issues. ACOE (Walsh) has received the eelgrass report from Dr. Fred Short of UNH which indicates that there is a total of approximately two acres of eelgrass beds in the vicinity of the federal channel. Dredging activities would directly impact less than 0.2 acre of eelgrass. NOAA (Johnson) asked how much of the impact is due to the movement of the channel. ACOE (Walsh) stated that he did not have exact figures but estimated that dredging the original channel alignment would directly impact approximately 0.1 acre of eelgrass, while realigning the channel would directly impact an additional ± 0.07 acre of eelgrass. He then asked who would pay the additional dredging costs if the channel is moved because of the presence of Witch Cove Marina. ACOE (Habel) followed by asking who would be responsible for paying the mitigation costs for the additional eelgrass impacts. ACOE (Roach) said he understands that the DPH supports moving the channel. Discussion followed. NH Coastal Program (Diers) said the ACOE now appears to have the information it needs to make a decision about the project and asked if there is anything else needed to move the process forward.

ACOE (Roach) thinks the environmental issues are going to be the most important and would like to know exactly how the Coastal Program and Wetlands Bureau stand regarding the environmental impacts of the project. NH Coastal Program (Diers) recommended creation of a map depicting the proposed channel alignments and potential eelgrass impacts, to be distributed to the resource agencies. He stated that the Coastal Program would discuss the project with the state and federal resource agencies (EPA, NMFS, USFWS, DES Wetlands Bureau, NH Fish & Game and the DPH) to get an idea as to whether the proposed environmental impacts are approvable. Diers stated that once this information is provided to the ACOE, the ACOE needs to make a decision as to whether or not they are going to move the channel.

Discussion followed as to what would happen if the ACOE decides to require the marina to eliminate pilings/docks as opposed to realigning the channel. ACOE (Walsh) said that the ACOE would only dredge if either the channel is realigned or if obstructions in the existing channel are cleared. ACOE (Roach) indicated that the marina appears to be encroaching approximately 20 feet into the channel, which constitutes about 33% of the channel width. NH Wetlands Bureau (Richardson) asked where the dredge materials would be placed. ACOE (Walsh) stated that the material (approx. 7,000 cubic yards) would be placed off Wallis Sands.

Other Business - Hampton Section 107 Feasibility Study - ACOE (Habel) distributed a Project Information Sheet and stated that there is an inter-agency site visit scheduled for May 30, 2006. He requested that the Coastal Program invite representatives from the towns of Hampton and Seabrook as the ACOE needs data from them regarding fleet statistics, landings, and value of the catch to support the economic justification for the project. The ACOE will also need to look at how much anchorage is needed for the commercial fleet on both sides of the harbor. The ACOE cannot dredge an anchorage for recreational boats. Habel stated that the estimate of dredged material (80,000 cubic yards) cited in the information sheet is a minimum. The ACOE will need to analyze the draft of the boats and calculate the anchorage depth accordingly to get a more accurate number.

The goal is to publish a draft feasibility study by the end of the summer, followed by the development of plans and specifications. The ACOE would like to begin construction during the '07-'08 dredging season. Discussion followed to include the fact that Hampton Harbor is considered to be the largest fishing port in NH and of great value economically. Hampton and the State of NH have convinced the ACOE Division office that the inner harbor features should be brought under federal jurisdiction. Habel added, however, that the ACOE Maintenance Division is not yet convinced, so economic information will be critical to the Division's decision.

Piscataqua River Turning Basin Feasibility Study - ACOE (Habel) stated that Congress authorized \$25K for a feasibility study, however, the money cannot be spent until the feasibility cost-sharing agreement has been executed with the DPH. The DPH is currently reviewing the agreement. Habel added that he would prefer to spend the money on seismic investigations to better understand the nature and extent of the ledge in the area.

NH Coastal Zone Economic Impact Study - NH Coastal Program (Diers) has received a scope of work from the UMASS Donahue Institute (UMDI) to conduct an economic impact analysis of the New Hampshire Coastal Zone. UMDI is currently conducting a similar study for the Massachusetts Office of Coastal Zone Management. The study will identify and describe key sectors such as fishing, tourism, shipbuilding etc. that comprise NH's coastal/ocean economy and analyze the economic contribution of these sectors.

Combining the results of the NH study with the results of the Massachusetts study would provide a unique opportunity to compare data for a regional economic assessment. The cost of the study is \$50K. The Coastal Program has committed \$10K and is seeking partners to raise the additional money to fund the study. Potential partners include the DPH, the NH Dept. of Resources and Economic Development, the NH Office of Energy and Planning, PSNH and the Portsmouth Chamber of Commerce. The Coastal Program has already sent the proposal to the DPH for review and will email a two-page fact sheet about the proposal to Task Force members as well. Diers also stated that the study would help the Congressional delegation better understand the economics of the region. Discussion followed.

Federal Consistency Workshop - Chairman informed members that a NOAA-sponsored Regional (New England & New York) Coastal Zone Management Act Federal Consistency Workshop is scheduled for June 22, 2006 here at the DES/Coastal Program Pease field office. The intended audience for the workshop is CZM Managers, state and federal resource agency staff, and others who are involved with or interested in the federal consistency process. He encouraged members to attend.

Other Items - •EPA (Guza) informed members of the next Sudbury Group (EPA's regional dredging team) meeting, which is scheduled for July or August 2006 and will likely be held in Kittery, Maine.

•DES Wetlands Bureau (Richardson) reported that the Section 227 project in Seabrook looks good and the fringe marsh is coming back. The town is pleased.

•NH Coastal Program (Diers) informed members of the Regional Coastal Zone Management meeting that will take place in NH in October 2006 and will be hosted by the NH Coastal Program.

•EPA (Guza) informed members of the Regional Sediment Management conference scheduled for the last week in August 2006 in Portland, Oregon. It will include topics such as management of sediment sources, beneficial reuse of dredged materials and contaminant reduction.

Schedule next DMTF Meeting - Next meeting will be held on August 16, 2006 at 1:30 PM at DES/Coastal Program Pease field office.

Adjourned 3:00 PM